

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

NICHOLAS BOOTH,
Plaintiff,

v.
BRANTLEY MILLER, and
MICHAEL GANATOS,
Defendants.

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CIVIL ACTION NO. 4:24-cv-372
JURY DEMANDED

DEFENDANTS' AGREED MOTION TO AMEND SCHEDULING ORDER

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW, Brantley Miller and Michael Ganatos, Defendants in the above-entitled and numbered civil action, and make and file this Agreed Motion to Amend Scheduling Order, showing unto the Court as follows:

I.
ARGUMENT & AUTHORITIES

On April 15, 2025, the Court entered an Amended Scheduling Order in this matter. *See* Amended Scheduling Order, Doc. No. 19, entered April 15, 2025. Per the Amended Scheduling Order, the Final Pretrial Conference in this matter is set for **May 13, 2026**. Counsel for Defendants will be out of the country on that date on a pre-paid family vacation. Defendants respectfully request that the Final Pretrial Conference be rescheduled to **May 20, 2026**. All other dates in the Amended Scheduling Order will remain unchanged, including trial.

Defense counsel spoke with Plaintiff's counsel regarding this conflict, and Plaintiff's counsel is in agreement with the relief sought in this Motion. Accordingly, this Motion is presented as an Agreed Motion.

Motions to modify a scheduling order are governed by Rule 16(b)(4) by the Federal Rules of Civil Procedure. Rule 16(b)(4) states that “[a] schedule may be modified only for good cause and with the judge’s consent.” FED. R. CIV. P. 16(b)(4). “The good cause standard requires the party seeking relief to show that the deadlines cannot reasonably be met despite the diligence of the party needing the extension.” *S&W Enters., LLC v. Southtrust Bank of Ala.*, 315 F.3d 533, 535 (5th Cir. 2003)(internal quotation omitted). Here, Defendants believe good cause is shown in that the current setting for the Final Pretrial Conference occurs while defense counsel is scheduled to be out of the country with his family.

II. **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendants, Brantley Miller and Michael Ganatos, pray that this Agreed Motion be granted in full, and for such other and further relief, general or special, at law or in equity, to which Defendants may be entitled.

Respectfully submitted,

/s/ D. Randall Montgomery

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

On April 21, 2025, the undersigned counsel conferred with Plaintiff's counsel regarding this Motion and was informed that Plaintiff is in agreement with the relief sought herein.

/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been served upon counsel of record in accordance with the Federal Rules of Civil Procedure on this the 23rd day of April, 2025.

/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY